

Applicants : Long Sheng Yu et al.
Serial No. : 10/799,534
Filed : March 12, 2004
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REMARKS

Claims 1-13 are pending in the subject application. By this Amendment, applicants have amended claims 1-8 and 12. Accordingly, claims 1-13 will be pending and under examination in the subject application upon entry of this Amendment.

Rejections Under 35 U.S.C. §101

The Examiner alleged that claims 3, 12 and 13 are directed to non-statutory subject matter under 35 U.S.C. §101.

By this Amendment, claims 3, 12, and 13 have been amended to clarify the claimed invention without narrowing the claimed subject matter. Accordingly, applicants request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §101.

Rejection Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 2-7 and 12 under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In response, but without conceding the correctness of the Examiner's ground of rejection, claims 2-7 and 12 have been amended to clarify the claimed invention without narrowing the claimed subject matter.

In view of the remarks above, applicants submit that claims 2-7 and 12, as amended, satisfy the requirements of 35 U.S.C. §112, second paragraph, and request that the Examiner reconsider and withdraw this ground of rejection.

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Rejections Under 35 U.S.C. §102(e)

The Examiner rejected claims 1-5 and 7-13 under 35 U.S.C. §102(e) as allegedly anticipated by U.S. 6,290,639 (Mussivand). Specifically, the Examiner alleged that Mussivand discloses an inflow conduit assembly including an inflow tube protruding from a pump portion and an adapter sleeve of a first predetermined length attached to the inflow tube forming an extended inflow tube having a total length greater than the first predetermined length.

In response to the rejection of claims 1-5 and 7-13, applicants respectfully traverses. Without conceding the correctness of the Examiner's rejection, applicants note that as amended, independent claims 1 and 12 provide for an adapter sleeve carrying an adjustable attachment member to permit attachment of the adapter sleeve to the inflow tube at a range of longitudinal positions.

According to M.P.E.P. §2131, "[t]o anticipate a claim, the reference must teach every element of the claim."

Mussivand does not teach an adapter sleeve carrying an adjustable attachment member to permit attachment of the adapter sleeve to the inflow tube at a range of longitudinal positions, but instead suggests an inflow tube including a female threaded gland nut and a tubular tip body including a male threaded connection whereby the male threaded connection forms a union coupler with the female threaded gland nut. As stated in column 6, lines 54-57 of Mussivand, the tubular tip body and the inflow tube are rigidly fixed to one another through this connection. Therefore, Mussivand does not teach each and every element of the rejected claims.

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In view of these remarks, applicants request that the Examiner reconsider and withdraw the rejection of amended claim 1 and 12 and dependent claims 2-11 and 13 under 35 U.S.C. §102(e).

Rejections Under 35 U.S.C. §103(a)

Claim 6 was rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Mussivand. Claim 6 is dependent upon claim 1, and as such shares the patentable features of claim 1.

In response, applicants again respectfully traverse the Examiner's rejection. Mussivand does not teach an adapter sleeve carrying an adjustable attachment member to permit attachment of the adapter sleeve to the inflow tube at a range of longitudinal positions.

Conclusion

In view of the amendments to the claims and the remarks made hereinabove, applicants respectfully submit that the grounds of rejection set forth in the January 29, 2007 Office Action have been overcome. Accordingly, applicants earnestly solicit allowance of the pending claims.

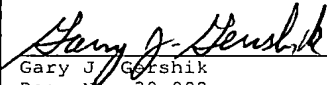
If a telephone interview would be of assistance in advancing prosecution of this application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

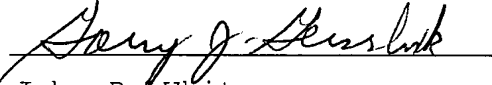
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No fee other than the enclosed \$225.00 for the two-month extension of time is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fees to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

 6/29/07
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